



Michigan Mental Health Counselors Association

Testimony Regarding Qualified Mental Health Professionals in Juvenile Justice

Presented on behalf of the Michigan Mental Health Counselors Association

The Michigan Mental Health Counselors Association (MMHCA) supports SB 246 and 247 as written. MMHCA has become aware of recent testimony presented by the Michigan Psychological Association (MPA) proposing amendments to SB 246 and 247 concerning the definition of a "Qualified Forensic Mental Health Examiner". MMHCA strongly opposes these amendments. MMHCA also opposes subsequent proposed amendments that refer to mental health professionals rather than naming the licensed mental health professions (LMSW, LPC, LLP). Instead of clarifying who is a qualified mental health professional this new language is much more ambiguous and open to different interpretations. MMHCA believes that the language in the original bills is clear and no amendments are needed.

The rationale for these amendments is based on two erroneous premises put forth by MPA in its testimony. First, the MPA testimony **erroneously** states, "The scope of practice of LPCs does not include the diagnosis of mental illness, developmental disability or cognitive impairment..."

The scope of practice of LPCs, Part 181, Section 333.18101, (a), (viii) of the Michigan Public Health Code includes "Counseling techniques" which are defined in the Administrative Rules of the Michigan Board of Counseling, R 338.1751, Rule 1(f) as follows:

Counseling techniques means the application of basic counseling and psychotherapy skills and theories in the counseling process in order to do all of the following:

- (i) Establish and maintain the counseling relationship
- (ii) **Diagnose and identify the problem**
- (iii) Formulate a preventive, treatment or rehabilitative plan
- (iv) Facilitate appropriate interventions

Also, the MPA testimony **erroneously** states, "By Michigan law, ...LPCs cannot administer or interpret standardized intelligence tests." The scope of practice of LPCs, Part 181, Section 333.18101, (a) (I) of the Michigan Public Health Code includes:

Evaluation and appraisal techniques. As used in this subparagraph, "appraisal techniques" means selecting, **administering**, scoring, and **interpreting** instruments and procedures designed to assess an individual's aptitudes, interests, attitudes, abilities, achievements, and personal characteristics...

LPCs who meet the requirements set forth in SB 246 and 247 are perfectly qualified to be "Qualified Forensic Mental Health Examiners" who perform the forensic mental health examinations provided for in this legislation. MMHCA believes that MPA's proposed amendments are simply an attempt to address scope of practice issues, and objects to using SB246 and 247 as a vehicle to do so. These bills are too important in assuring the appropriate legal treatment of children and adolescents in Michigan to allow this to happen. MMHCA encourages you to pass them **without the inclusion of the amendments proposed by MPA**.

Thank you for your consideration,

Michigan Mental Health Counselors Association

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Michigan Counseling Association

Qualified Mental Health Professionals in Juvenile Justice Michigan Counseling Association

Chairman Kurtz and House of Representative Members on the Committee on Families, Children, and Seniors

The Michigan Counseling Association (MCA) has reviewed the bills before the committee and the proposed amendments. The bills before the committee are important to standardize competency evaluations and provide an improved system for the judicial system and importantly for the children experiencing competency hearings. MCA supports bill SB 246 and 247 as written. The following points articulate our position:

- MCA supports the discretion of jurists in selecting qualified mental health professionals within their jurisdiction based on the standards presented in SB 246 and 247. One of the original precipitants of the bill was to provide a standardized procedure and allow a judge to decide the most qualified individual to serve as the expert witness and improve access.
- Another aspect of the bill is to advocate for the children at most risk. Increasing the pool of qualified forensic mental health examiners also adds a demographic more diverse and representative of the population being served. In many cases, Licensed Professional Counselors already work closely with these children and adolescents in schools and the community.
- We support the original bills reference of licensed professional counselors (LPC's) as a qualified forensic mental health examiner based on meeting the outlined criteria. LPC's currently working with this population in the courts and treatment centers attest to the value of an ethical standardized procedure and the value of such a procedure for the families, juveniles needing competency hearings, and the judges involved in the decision- making.
- One aspect of the presented bills is to define the "Qualified Forensic Mental Health Examiner" to be a combination of academic discipline, experience and training. There is not one discipline which owns this expertise. Instead this level of expertise is based on a combination of the aforementioned factors. The proposed amended language by the Michigan Psychological Association is purposeful about protecting their scope and fails to focus on qualifications or expertise.

- The implications of the amendments presented by the Michigan Psychological Association are erroneous in two areas. First, the notion that LPC's cannot assess and diagnose is not true. Please note the following *Michigan Counselor Licensure Law* and *Administrative Rules* which speak to Assessment, Diagnosis of Abilities, Achievements, Aptitudes and other related competency factors:

Section 333.18101 of the MI Counselor Licensure Law:

Counseling principles, methods or procedures means a developmental approach that systematically assists an individual through the application of any of the following procedures:

- (i) Evaluation and appraisal techniques
- (ii) Exploring alternative solutions
- (iii) Developing and providing a counseling plan for mental and emotional development
- (iv) Guidance
- (v) Psychoeducational consulting
- (vi) Learning theory
- (vii) Individual and group techniques emphasizing prevention
- (viii) Counseling techniques
- (ix) Behavior modification techniques

Diagnosis

R338.1751, Rule 1 (f) of the Administrative Rules for Counseling defines counseling techniques: Counseling techniques means the application of basic counseling and psychotherapy skills and theories in the counseling process in order to do all of the following:

- (i) Establish and maintain the counseling relationship
- (ii) Diagnose and identify the problem
- (iii) Formulate a preventive, treatment or rehabilitative plan
- (iv) Facilitate appropriate interventions

Testing and Evaluation

Rule 338.1751 Rule 1 (q) of the Administrative Rules for Counseling defines preparation for testing and evaluation procedures that include: Group and individual psychometric theories and approaches to appraisal and diagnosis; Selecting, administering, scoring, and interpreting instruments that are designed to assess all of the following with respect to the individual: Abilities, Achievements, Aptitudes, Attitudes, Interests, Personal Characteristics, Factors that influence appraisals, Use of appraisal and diagnostic results in helping processes.

MCA's goal is not to distract the committee with discussions of scope of practice. Instead, we found it necessary to clarify our current licensure statutes. The goals of these bills are to provide the most qualified forensic mental health examiner in a very specialized area of practice and allow for judicial discretion. Again, we acknowledge the work of the committee and the important value of improving the procedures used with the vulnerable juvenile population.